IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1568 of 1997

in

SPECIAL CIVIL APPLICATIONNo 1580 of 1991
With
CIVIL APPLICATION NO. 11760 OF 1997

For Approval and Signature:

HON'BLE MISS JUSTICE R.M.DOSHIT
and
HON'BLE MR.JUSTICE S.R.BRAHMBHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KANAKRAI BACHUBHAI BHOJAK
Versus
VANKANER MUNICIPALITY

Appearance:
1. LETTERS PATENT APPEAL No. 1568 of 1997
MR KS ACHARYA for Appellant No.
MR NIRZAR S DESAI for Respondent No. 1

CORAM : HON'BLE MISS JUSTICE R.M.DOSHIT

and

HON'BLE MR.JUSTICE S.R.BRAHMBHATT

Date of decision: 12/01/2005

ORAL JUDGEMENT

(Per : HON'BLE MISS JUSTICE R.M.DOSHIT)

1. The Appellant - workman challenges the judgment & order dated 14th October, 1997 passed by the learned Single Judge in Special Civil Application No. 1580 of 1991. The said writ petition was preferred under Article 227 of the Constitution against the judgment & award dated 29th December, 1990 passed by the learned Labour Judge, Rajkot in Reference (LCR) No: 879 of 1986. By the impugned order the learned Labour Judge has directed the respondent Municipality to pay a sum of Rs.5,000-00 to the appellant by way of notice pay, retrenchment compensation and the amount in lieu of reinstatement in service.

2. The impugned judgment of the learned Single Judge has been rendered in exercise of power of superintendence conferred upon the High Court by Article 227 of the Constitution. The appeal under Clause-15 of the Letters Patent against the impugned judgment would not lie. The Appeal is, therefore, not maintainable. Appeal is accordingly dismissed. There shall be no order as to cost.

3. In view of the order in Appeal, civil application stands disposed off.

DT: 12-1-2005 (MS. R.M. DOSHIT, J)

(S.R. BRAHMBHATT, J)

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